

**\*\* E-filed February 10, 2011 \*\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ROSIE LUCIW,

No. C10-05969 HRL

Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

**ORDER (1) TERMINATING  
DEFENDANTS' MOTION TO  
DISMISS AND (2) SETTING  
DEADLINE FOR CONSENTING TO  
OR DECLINING MAGISTRATE  
JURISDICTION**

**[Re: Docket No. 7, 10]**

On January 6, 2011, Defendants filed a motion to dismiss Plaintiff's complaint. Docket No. 7. Plaintiff responded by filing a First Amended Complaint<sup>1</sup>, thereby mooted Defendants' motion to dismiss. Docket No. 10. Accordingly, Defendants' motion to dismiss, currently set for hearing on February 22, 2011, is TERMINATED.

In addition, the parties are reminded that this civil case has been randomly assigned to a magistrate judge for all purposes including trial. Accordingly, all parties who have not yet done so shall, **no later than February 22, 2011**, file either (1) a Consent to Proceed before a United States Magistrate Judge or (2) a Declination to Proceed before a Magistrate Judge and Request for Reassignment to a United States District Judge. *See* N.D. Cal. Civ. R. 73-1. The consent and declination forms are available at the Clerk's Office and may also be obtained from the court's website at <http://www.cand.uscourts.gov>.

<sup>1</sup> The Court notes that it has yet to receive the required chamber's copy of Plaintiff's First Amended Complaint, as required by General Order No. 45.

**IT IS SO ORDERED.**

Dated: February 10, 2011



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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

**C10-05969 HRL Notice will be electronically mailed to:**

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